

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

This Document Relates to:

IN RE ELECTRONIC BOOKS  
ANTITRUST LITIGATION

No. 11-md-02293 (DLC)  
ECF Case

THE STATE OF TEXAS, et al.,  
  
Plaintiffs,  
  
v.  
  
PENGUIN GROUP (USA) INC., et al.,  
  
Defendants.

Civil Action  
No. 12-cv-03394

IN RE ELECTRONIC BOOKS ANTITRUST  
LITIGATION

No. 11-md-02293 (DLC)  
ECF Case

This Document Relates to:  
  
ALL ACTIONS

CLASS ACTION

**[PROPOSED] ORDER GRANTING PLAINTIFFS’  
MOTION FOR APPROVAL OF PLAN FOR CLASS NOTICE**

Plaintiffs’ Motion for Approval of Plan for Notice (“Motion”) having come before the Court, the Court having reviewed all of the pleadings related to same, and being fully advised in the premises, IT IS HEREBY ORDERED that:

Plaintiffs’ Motion is GRANTED.

Notice shall be served upon the eligible consumers residing in Plaintiff States and upon Class members in the manner described in Plaintiffs' Motion within thirty (30) days of this Order. The service of Notice shall be accomplished as follows:

- (a) An email in the form proposed in Plaintiffs' Motion shall be sent by Amazon, Barnes and Noble, Google, and Kobo to inform their Eligible Consumers of their rights and how they may participate in the Lawsuits.
- (b) An email in the form proposed in Plaintiffs' Motion shall be sent by Rust, or a vendor contracted by Rust, on behalf of Apple and Sony to inform Apple and Sony's Eligible Consumers of their rights and how they may participate in the Lawsuits.
- (c) Postcards in the form proposed in Plaintiffs' Motion shall be sent to Eligible Consumers for whom a correct email address could not be discovered in the Previous Settlements.

SO ORDERED:

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE DENISE COTE  
UNITED STATES DISTRICT JUDGE

Submitted by:

Dated: March 28, 2014

HAGENS BERMAN SOBOL SHAPIRO LLP

By           /s/ Steve W. Berman            
STEVE W. BERMAN (*Pro Hac Vice*)

George W. Sampson (GS-8973)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1918 Eighth Avenue, Suite 3300  
Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594  
steve@hbsslaw.com  
george@hbsslaw.com

Jeff D. Friedman (*Pro Hac Vice*)  
Shana Scarlett (*Pro Hac Vice*)  
715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
Telephone: (510) 725-3000  
Facsimile: (510) 725-3001  
jefff@hbsslaw.com  
shanas@hbsslaw.com

Kit A. Pierson (*Pro Hac Vice*)  
Jeffrey Dubner (4974341)  
COHEN, MILSTEIN, SELLERS & TOLL, PLLC  
1100 New York Avenue, N.W.  
South Tower, Suite 500  
Washington, D.C. 20005  
Telephone: (202) 408-4600  
Facsimile: (202) 408-4699  
KPierson@cohenmilstein.com  
jdubner@cohenmilstein.com

Douglas Richards (JR6038)  
COHEN, MILSTEIN, SELLERS & TOLL, PLLC  
88 Pine Street  
14th Floor  
New York, NY 10005  
Telephone: (212) 838-7797  
Facsimile: (212) 838-774  
DRichards@cohenmilstein.com

*Co-Lead Counsel for Plaintiffs*

**STATE OF NEW YORK**  
ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

By:           /s/ Robert L. Hubbard            
ROBERT L. HUBBARD

Linda J. Gargiulo  
Assistant Attorney General  
Antitrust Bureau  
120 Broadway, 26<sup>th</sup> Floor  
New York, NY 10271-0332  
(212) 416-8274  
robert.hubbard@ag.ny.gov  
linda.gargiulo@ag.ny.gov

*Attorneys for the State of New York*  
*Local Counsel*

**STATE OF TEXAS**

GREG ABBOTT, ATTORNEY GENERAL

DANIEL HODGE

First Assistant Attorney General

JOHN B. SCOTT

Deputy Attorney General for Civil Litigation

JOHN T. PRUD'HOMME

Chief, Consumer Protection Division

KIM VAN WINKLE

Chief, Antitrust Section

By: /s/ Rebecca Fisher  
REBECCA FISHER (*Pro Hac Vice*)

Eric Lipman (EL-6300)

Assistant Attorneys General

P.O. Box 12548

Austin, TX 78711-2548

Phone: 512-463-1265

Rebecca.Fisher@texasattorneygeneral.gov

Eric.Lipman@texasattorneygeneral.gov

*Attorneys For The State of Texas and  
On Behalf of the Plaintiff States*

**STATE OF CONNECTICUT**

GEORGE JEPSEN, ATTORNEY GENERAL

MICHAEL E. COLE

Chief, Antitrust Department

W. Joseph Nielsen

By /s/ Gary M. Becker  
GARY M. BECKER (GB 8259)

Assistant Attorney General

55 Elm Street

Hartford, CT 06106

PH: (860) 808-5040

Gary.Becker@ct.gov

*Attorneys For The State of Connecticut and  
On Behalf Of Plaintiff States*

**STATE OF OHIO**

R. MICHAEL DEWINE,  
ATTORNEY GENERAL

By           /s/ Edward Olszewski            
EDWARD OLSZEWSKI (*Pro Hac Vice*)

Assistant Attorney General, Antitrust Section  
Office of the Ohio Attorney General  
150 E. Gay St. – 23rd Floor  
Columbus, OH 43215  
Tel: (614) 466-4328  
edward.olszewski@ohioattorneygeneral.gov

*Attorneys For The State of Ohio and  
On Behalf of Plaintiff States*